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DOC #: ____
DATE FILED: 5/14/09

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

-v- : ORDER

: 07 Cr. 224 (HB)

JOHN GALANTE,

:

Defendant.

- x

WHEREAS, on March 22, 2007, Information 07 Cr. 224 (HB) was filed, charging defendant John Galante with conspiracy to commit securities fraud, to make false filings with the SEC, to falsify books and records, and to commit bank fraud, in violation of Title 18, United States Code, Section 371 (Count One); securities fraud, in violation of Title 15, United States Code, Sections 78j(b) and 78ff; Title 17, Code of Federal Regulations, Section 240.10b-5 (Count Two); and bank fraud, in violation of Title 18, United States Code, Section 1344 (Count Three);

WHEREAS, with the defendant's consent, his guilty plea allocution was taken for Counts One through Three before a Magistrate Judge on March 22, 2007; and

WHEREAS, on April 30, 2009, the defendant moved, pursuant to Fed. R. Crim. P. 11(d)(1), for withdrawal of his guilty plea;

WHEREAS, by letter dated April 29, 2009, the Government stated that "in the event that the defendant moves to withdraw his plea pursuant to Fed. R. Crim. P. 11(d)(1) . . . the

Government will not oppose that motion";

IT IS HEREBY ORDERED that the defendant's motion to withdraw his guilty plea be granted.

SO ORDERED:

Dated: New York, New York
May 13, 2009

UNITED STATES DISTRICT JUDGE